

Return		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name(s) of any person(s) seized:		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>Date: _____</p> </div> <div style="width: 65%;"> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Executing officer's signature</i></p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Printed name and title</i></p> </div> </div>		

ATTACHMENT A

Property to Be Searched

The person to be searched is Jerome O. Smith (DOB: 06/30/1995)

ATTACHMENT B

Property to be Seized

The property to be seized is saliva containing epithelial cells by buccal swab

Dec 13, 2022

s/ D. Olszewski

Deputy Clerk, U.S. District Court
Eastern District of Wisconsin

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*

Jerome O. Smith (DOB: 6/30/1995)

Case No. 22 MJ 197

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 U.S.C. §§ 922(g)(1), 924(a)(2), 924(c)(1)(A)(ii) and 2119(1) and 2(a)	Felon in possession of a firearm, brandishing a firearm in relation to a crime of violence and motor vehicle robbery

The application is based on these facts:

See Affidavit in Support of Application and Search Warrant, incorporated by reference herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days *(give exact ending date if more than 30 days)* _____ is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Heather Wright, Special Agent FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephone _____ *(specify reliable electronic means)*.

Date: 12/13/2022*Judge's signature*City and state: Milwaukee, WI

Honorable William E. Duffin, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Heather Wright, being being first duly sworn on oath, on information and belief state:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a search warrant application seeking Buccal Swabs/DNA exemplars/samples from the person of Jerome O. SMITH, DOB: 06/30/1995, as described below. SMITH is currently incarcerated at the Milwaukee Secure Detention Facility (MSDF) pursuant to a pending revocation of supervised release and a trial scheduled in this district on February 13, 2023. The requested Buccal Swabs/DNA exemplars/samples will be utilized for DNA comparison purposes with evidence related to an armed motor vehicle robbery that occurred on May 8, 2021.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since July of 2010. Since August of 2020, I have been assigned to the FBI's Milwaukee Area Violent Crimes Task Force, a multi-jurisdictional law enforcement entity charged with investigating violations of federal law, including bank robberies, commercial robberies, armed motor vehicle robberies, and other violent crime matters, as defined under Title 18 of the United States Code, I have been trained in a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. I have participated in criminal investigations, surveillance, search warrants, interviews, and debriefs of arrested subjects. As a result of this training and investigative experience, I have learned how and why violent actors typically conduct various aspects of their criminal activities.

3. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 2119 and 18 U.S.C. § 922(g) have been committed by **Jerome O SMITH** (06/30/95). There is also probable cause to believe that the requested Buccal Swabs/DNA exemplars/samples will be utilized for DNA comparison purposes with evidence related to the motor vehicle robbery.

JURISDICTION

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

6. On May 8, 2022 at approximately 5:40PM, the victim, B.M. (B/M, xx/xx/84) went to the address of 9030 N 97th St, to meet an unknown male he had been communicating with on Twitter, to have sexual relations. The unknown male along with a second subject, then held B.M. at gunpoint and robbed him of his property as well as his vehicle. Following the robbery, B.M. called the Milwaukee Police Department to report the crime.

7. B.M. stated that on May 5, 2022, B.M. was contact by an unknown male subject, with the Twitter handle **BIGDAWG VIBE**, via Twitter private message. The subject communicated with the B.M. on a handle B.M. used strictly to meet men for the purposes of sex. The two engaged in a brief chat about engaging in sexual relations. B.M. provided his cell phone number to the unknown male. On May 8, 2022, B.M. and **BIGDAWG VIBE** continued to communicate about meeting for a sexual encounter. The subject sent a nude photo of himself depicting a black male with dreads below his chest, his penis exposed, and his shorts pulled down his thighs. The selfie

was taken below the subject's shoulders as to not depict the individual's face. The communications on Twitter ended with the subject suggesting that they meet at "97 Allen" at 5:17PM. The subject then texted B.M.'s cell phone using the cell phone number of 262-290-1582 at 5:18PM. The unknown male subject directed B.M. to the address of "97 n Allen" and sent a pin location at the intersection North 96th Street and W. Allyn Street in the City of Milwaukee. When B.M. was close to the meetup location, B.M. texted the subject that he was close. B.M. provided the subject with a description of his vehicle. The subject then sent a more precise pin location which placed his location near 9591 W. Allyn Street. After a few clarifying messages, B.M. stated that the subject guided him to the apartment building located at 9030 N 97th Street.

8. When B.M. arrived at the address, he observed a black male, with a darker complexion, approximately 5'11", average build, in his early 30s, with long dreadlocks, wearing a white hooded jacket with fur located on the brim of the hood, stonewashed/distressed jeans and dirty red and white gym shoes, hereinafter Subject 1, standing by the doorway of the apartment building. B.M. stated that he recognized Subject 1 as the individual he was communicating with due to the Subject 1's body type, hair, as well as the fact that the individual met him at the door and appeared to know why B.M. was there. B.M. stated that he parked his 2016 white Honda Accord across the street, and Subject 1 directed him to enter the complex and walk down the hallway. Subject 1 stayed behind B.M. and was kicking the object away from the door that had been holding the door open. As B.M. was walking towards the end of the hallway, he observed a second subject, hereinafter Subject 2, peek from the back stairwell although he did not think anything of it at the time. Once he made it to the end of the hallway, Subject 2, came from the stairwell with an AR-15 style rifle with holes around the barrel. Subject 2, a light skinned black male, possibly Hispanic or mixed race, approximately 28-32 years old, approximately 5'9", 130

pounds, wearing a black ski mask with only eyes visible, a black Nike hooded sweatshirt and black Nike sweatpants, pointed the rifle at the B.M.'s head. Subject 1, immediately approached B.M. from behind and pressed a firearm against the back of his head. The two suspects ordered B.M. to the ground. Fearing for his safety, B.M. complied. While on the ground, B.M. was able to confirm that Subject 1 was the same subject that had met him outside. Subject 1 removed B.M.'s wallet from his pants pocket, along with his Cash App debit card, his Wisconsin Driver's license, and approximately \$1500. Subject 1 picked up B.M.'s cell phone and car keys that he had previously dropped when he was instructed to lay on the ground. Subject 2 continued to stand over B.M. while Subject 1 was taking B.M.'s property. Suspect 1 then fled out the front door. After Subject 1 fled out the door, B.M. heard his vehicle engine start up. Subject 2 then stepped on B.M.'s right hand and ripped off his Apple iWatch from his wrist. Subject 2 then unclasped B.M.'s gold necklace and asked B.M. if he had any kids. B.M. told Subject 2 that he did. B.M. stated that Subject 2 responded with "Alright, Imma let you live then." Suspect 2 then fled out the back door. Once B.M. believed he was safe, he walked to the nearest gas station and called 911.

9. Following the incident, law enforcement recovered B.M.'s cell phone in the middle of the road near the 9700 block of W Brown Deer Road. B.M. also provided law enforcement with a summary of the incident as well as screen shots of the text and Twitter messages between him and the handle of the suspect: **BIGDAWGVIBE**, <https://twitter.com/bigdawgvibe>, (profile shows the account joined March 2022).

10. An open source internet search was conducted and there was a matching Facebook Page with the same profile name, <https://www.facebook.com/profile.php?id=100080619811602>, which had a listed birthday of 06/30/1995.

11. Law enforcement conducted a check for black males with the birthdate of 06/30/1995, and multiple booking photographs of **JEROME O SMITH** (B/M, 6/30/1995) came up which showed SMITH with dreadlocks. The last booking photograph was from 2013, so a Department of Transportation check was conducted for a more recent photograph of SMITH. The request returned a photo of SMITH with long dread locks that matched the description of Suspect 1 in this offense. Further, a WI CCAP check was conducted and SMITH had been incarcerated from 2013-2021 and was currently on probation for Armed Robbery.

12. At approximately 7:05PM, Milwaukee Police Department (MPD) squads were dispatched to 9425 West Brown Deer Road, Milwaukee due a call by MICKINNIE who had indicated he had located his stolen 2016 white Honda Accord at the location. MICKINNIE stated that he had called and was informed by Milwaukee Parking Enforcement that his vehicle had been cited for night parking violation at that address. B.M. then drove to the location and located his vehicle. B.M. stated that he immediately notified law enforcement.

13. B.M. had previously provided consent to search for his vehicle, therefore law enforcement was able to process the vehicle for DNA. Following law enforcement processing, B.M. was able to go through his vehicle to identify items missing. B.M. noted that a number of items included clothing and a used vehicle tire were missing from his vehicle. In addition, the vehicle had been ransacked and the catalytic converter from the vehicle had been removed.

14. On May 9, 2022, MPD Detective Brendan Dolan contacted the supervising probation officer for SMITH, Jaclyn Viraveg. Detective Dolan sent her two photos posted from the Twitter account (**BIGDAWGVIBE**) and asked her if she recognized the person in the photos and she stated that she did. PO Viraveg identified the person in the photos as JEROME O SMITH (B/M , 6/30/1995). One of SMITH's pictures on Twitter was of him wearing a gray sweater with

a white knit jacket with fur around the hood, consistent with the description provided by the victim of Suspect 1. Probation Agent Viraveg provided Detective Dolan a phone number for SMITH of 262-290-1582. This number was the same phone number B.M. provided to police as the phone number belonging to Subject 1. PO Viraveg reported to Detective Dolan that SMITH was supposed to have a meeting with her that morning, however he had contacted her and told her via text message that he had started a new job and was not available. Agent Viraveg had rescheduled the meeting for later in the day on May 9, 2022. SMITH had contacted PO Viraveg from the phone number 262-290-1582. PO Viraveg also provided a home address for SMITH of 7131 West Silver Spring Drive #3, Milwaukee.

15. On May 9, 2022, following SMITH's arrival at his probation appointment located at 6969 West Silver Spring Drive, SMITH was taken into custody without incident. SMITH confirmed his home address of 7131 West Silver Spring Drive #3. Following SMITH's arrest, an Act 79 search of his residence at 7131 W Silver Spring Dr, #3, Milwaukee, was conducted. Law enforcement located three firearms in SMITH'S bedroom, a teal Glock 42, .380 caliber handgun with an obliterated serial number, a black BCM KS-47G2, 7.62X39 semi-automatic rifle with a rail bearing serial number KSG2017947 (as described by B.M.), and a black Arsenal 7.62X39, semi-automatic rifle bearing serial number XK532659.

16. On May 10, 2022, MPD Detective Gonzalez was able to conduct a photo array with B.M. with the target of the array being SMITH. The photo array was conducted in the City of Milwaukee Municipal Court waiting area which was located at 951 North James Lovell Street. B.M. positively identified SMITH in the photo array and stated that the individual he identified was the individual that he recognized to be the person from Twitter and the robbery.

17. Law enforcement later recovered B.M.'s vehicle and swabbed it for DNA. They obtained samples from the interior driver's door handle, the steering wheel, the gear shift, the interior rear driver's side passenger door handle, the interior rear passenger side door handle, the interior front passenger side door handle, and two bottles in the vehicle. B.M. later told officers the two bottles in the vehicle were his.

18. The Grand Jury issued a three-count indictment against SMITH on August 16, 2022. It charged SMITH with motor vehicle robbery in violation of 18 U.S.C. 2119(1) and 2(a), brandishing a firearm in relation to a crime of violence in violation of 18 U.S.C. 924(c)(1)(A)(ii) and 2(a), and being a felon in possession of a firearm in violation of 922(g)(1) and 924(a)(2).

19. A trial is scheduled in this case on February 13, 2023. The FBI Laboratory requires a current sample of SMITH's DNA in order to perform a comparison analysis on the samples obtained from the car stolen from B.M.

CONCLUSION

20. Based on the forgoing, your Affiant believes there is probable cause to believe that evidence related to a Motor Vehicle Robbery, in violation of 18 U.S.C. § 2119, as well as other related federal charges, is/are present within Jerome O. SMITH, specifically, a Buccal Swabs/DNA exemplars/samples of his person.

ATTACHMENT A

Property to Be Searched

The person to be searched is Jerome O. Smith (DOB: 06/30/1995)

ATTACHMENT B

Property to be Seized

The property to be seized is saliva containing epithelial cells by buccal swab